

REMARKS

Status of Claims:

Claims 3-6, 10-17 have been cancelled. Claims 1, 2 and 7-9 remain for examination.

Rejection Under Sec. 112:

Claims 4, 5, 7, 11 and 12 stand rejected under 35 U.S.C. § 112, first paragraph. All of the rejected claims have been cancelled thus rendering moot the Examiner's rejection. Further, with regard to paragraph 2 of the outstanding office action, the claims reciting the term "mixer" have also been cancelled.

Prior Art Rejections:

Claims 1-3, 7, 10 and 17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Smith (5,818,883) in view of Yandrofski (6,205,340). Further, Claims 6, 13 and 14 stand rejected under 35 U.S.C. § 103 as unpatentable over Smith and Yandrofski in view of McNicol (6,363,262). Finally, Claims 8 and 9 stand rejected under 35 U.S.C. § 102(e) as anticipated by Smith.

The Examiner's rejections are respectfully traversed.

Applicant has amended independent Claims 1, 8 and 9 to be restricted to applicant's fourth embodiment of the invention as set forth in applicant's Figure 4 and described in the specification beginning at page 18. Each of the radio units comprises a first receiving unit and a first transmitting unit which corresponds to one sector and which is connected to a first transmitting and receiving (T/R) antenna which also corresponds to the one sector. Further, each of the radio units comprises a second receiving unit and a second transmitting unit, also utilized for the one sector, but the second receiving unit and the second transmitting unit are connected to a second T/R antenna which corresponds to another sector. Thus, according to applicant's embodiment as now recited in all of applicant's independent claims, the redundancy function is available for the transmitting and receiving functions of the plurality of radio units.

None of the prior art taken singularly or in combination discloses applicant's invention as recited in the amended claims and discussed above. As such, it is submitted that the section 102 rejection must be withdrawn, and further the rejection in section 103 must also be withdrawn. The Patent and Trademark Office has not made out a *prima facie* of obviousness within the provisions of 35 U.S.C. § 103.

Conclusions:


Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date October 13, 2004

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

David A. Blumenthal
Attorney for Applicant
Registration No. 26,257